APPENDIX I

[*Vide* answer to starred question No. 124 on page 630 supra.]

The Periakulam Circle was formed only in April 1964. The Co-operative Societies in Periakulam taluk were formerly under the jurisdiction of the Deputy Registrar, Dindigul Circle. In view of the ban, imposed on the sanction of new loans for construction of houses, consequent on the promulgation of "National Emergency" in December 1962, new loan applications could not be entertained. The funds made available by the Life Insurance Corporation of India in 1963–64 and 1964–65 were too meagre to meet the requirements of housing co-operatives. Out of 24 applications for loan received from the Theni Co-operative Building Society in 1964–65. 10 were returned, because 5 applications were defective and construction in respect of 5 other cases was already completed. The remaining 14 applications would be considered in the current year, subject to availability of funds.

A sum of Rs. 0.58 lakh was, however, sanctioned to the Gudalur Rural Housing Society in Periakulam Circle behalf of 10 members for construction of houses in 1964–65 .

APPENDIX II

[*Vide* item II (1) on page 637 supra.]

L.A. Bill No. 12 of 1965.

(As passed by the Assembly.)

A bill further to amend the Madras Land Encroachment Act, 1905.

BE it enacted by the Legislature of the State of Madras in the Sixteenth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madras Land Encroachment (Amendment) Act, 1965.

2. *Insertion of new section 5-B in Madras Act III of* 1905.—After section 5-A of the Madras Land Encroachment Act 1905, (Madras Act III of 1905) (hereinafter referred to as the principal Act), the following section shall be inserted, namely :—

"5-*B Notice before proceeding under section* 5 *or section* 5-A.—Before taking proceedings under section 5 or section 5-A, the Collector, or Tahsildar or Deputy Tahsildar or Revenue Inspector, shall cause to be served in the manner provided in section 7 on the person reputed to be in unauthorized occupation of land being the property of Government, a notice specifying the land so occupied and calling on him to show cause before a certain date why he should not be proceeded against under section 5 or section 5-A :

Provided that where the notice under this section is caused to be served by the Revenue Inspector, he shall require the person reputed to be in unauthorized occupation of the land to show

cause against such notice to the Tahsildar or Deputy Tahsildar having jurisdiction and shall also make a report in writing containing such particulars as may be specified in rules or orders, made under section 8 to the Tahsildar or Deputy Tahsildar having jurisdiction. "

3. *Amendment of section 6, Madras Act III of* 1905.—In section 6 of the principal Act—

(i) in sub-section (1).—

(*a*) after the words " by the Collector " in the first place where they occur, the words " or subject to his control, by the Tahsildar or Deputy Tahsildar or any other Officer authorized by the State Government, in this behalf (hereinafter referred to as the ' authorized officer ') ", shall be inserted:

(*b*) after the words " as the Collector " in the two places where they occur, the words "or subject to his control, the Tahsildar or Deputy Tahsildar or authorized officer " shall be inserted;

(*c*) after the words " by the Collector " in the second place where they occur, the words " or subject to his control, by the Tahsildar or Deputy Tahsildar or authorized officer " shall be inserted;

(ii) in sub-section (2).—

(*a*) after the word " Collector " in the first two places where it occurs, the words " or the Tahsildar or Deputy Tahsildar or authorized officer " shall be inserted;

(*b*) for the words " or of any Tahslidar or Deputy Tahsildar ", the words " or of any Tahsildar or Deputy Tahsildar or authorized officer " shall be substituted;

(iii) after sub-section (2), the following sub-section shall be added, namely :—

" (3) Any authorized officer taking proceedings under this section shall make a report in writing containing such particulars as may be specified in rules or orders made under section 8 to the Collector, Tahsildar or Deputy Tahsildar having jurisdiction."

4. *Amendment of section 7, Madras Act III of* 1905.—(1) In section 7 of the principal Act—

(i) for the words, figures and letter " under section 5, section 5-A or section 6 " in the two places where they occur, the words and figure " under section 6 " shall be substituted;

(ii) for the words " or Deputy Tahsildar ", the words " or Deputy Tahsildar or Revenue Inspector or any authorized officer or any officer of the Highways Department not below the rank of a Section Officer and not being an authorized officer " shall be substituted.

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(2) To the same section, the following provisos shall be added, namely :—

" Provided that no such notice shall be necessary in the case of any person unauthorizedely occupying any land, if he has been previously evicted from such land under section 6 or if he has previously vacated such land voluntarily after the receipt of a notice under section 5-B or under this section :

Provided further that where the notice under this section is caused to be served by any Revenue Inspector or any officer of the Highways Department not below the rank of a section officer and not being an authorized officer, he shall require the person reputed to be in unauthorized occupation of the land to show cause against such notice to the Collector, Tahsildar or Deputy Tahsildar having jurisdiction and shall also make a report in writing containing such particulars as may be specified in rules or orders made under section 8 to the Collector, Tahsildar or Deputy Tahsildar having jurisdiction. ".

5. *Amendment of section 8, Madras Act III of 1905.*—(1) Section 8 of the principal Act shall be renumbered as sub-section (1) of that section and in the sub-section as so renumbered—

(i) in clause (*d*), the words " and prescribing the form of such notices " shall be added at the end;

(ii) after clause (*d*), the following clauses shall be added, namely :—

" (*e*) specifying the particulars to be contained in the report under the proviso to section 5-B, under sub-section (3) of section 6 and under the second proviso to section 7;

(*f*) regulating the procedure to be followed in appeals and revisions under this Act; and

(*g*) for the purpose of carrying into effect the provisions of this Act. ";

(iii) the sentence " Such general rules or orders shall be made only after previous publication " shall be omitted.

(2) After sub-section (1) as so renumbered, the following sub-sections shall be added, namely :—

" (2) All rules and orders made under this section shall be published in the *Fort St. George Gazette* and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(3) Every rule and every order made under this section shall, as soon as possible after it is made, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or order or both Houses agree that the rule or order should not be made,

the rule or order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or order."

6. *Amendment of section* 10, *Madras Act III of* 1905.—In section 10 of the principal Act—

(i) in sub-section (1)—

(*a*) the brackets and figure "(1)" occurring at the commencement shall be omitted;

(*b*) in clause (a), after the words "or Deputy Tahsildar", the words "or an authorized officer" shall be inserted;

(*c*) the sentence "There shall be no appeal against a decision or order passed by the Collector or the District Collector on appeal, but the District Collector may revise any decision or order passed by a Deputy Tahsildar, Tahsildar or Collector under this Act, and the Board of Revenue may revise any decision or order passed by any officer under this Act" shall be omitted.

(ii) sub-section (2) shall be omitted.

7. *Insertion of new sections* 10-*A and* 10-*B in Madras Act III of* 1905.—After section 10 of the principal Act, the following sections shall be inserted, namely :—

"10-*A*. *Revision*.—(1) Any decision or order passed under this Act may be revised either *suo motu* or on application—

(*a*) by the District Collector, if such decision or order was passed by an authorized officer or a Deputy Tahsildar, Tahsildar or Collector;

(*b*) by the Board of Revenue, if such decision or order was passed by any officer;

(*c*) by the State Government, if such decision or order was passed by the Board of Revenue.

(2) The power conferred by sub-section (1) shall not be exercised except on the ground that the officer or authority whose decision or order is sought to be revised appears to have exercised a jurisdiction not vested in him or it by law, or to have failed to exercise a jurisdiction so vested, or to have acted in the exercise of his or its jurisdiction illegally or with material irregularity.

(3) No decision or order shall be passed under sub-section (1) prejudicial to any person without giving such person a reasonable opportunity of making any representation that he may desire to make and such representation, if any, shall be taken into consideration, before such decision or order is passed.

10-B. *Stay pending decision in appeal or revision*.—Pending the disposal of any appeal or application or proceedings for revision under this Act, the Collector, the District Collector,

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the Board of Revenue, or the State Government, as the case may be, may by order, and subject to such conditions as may be specified therein, stay the execution of the decision or order appealed against or sought to be revised."

8. *Substitution of new section for section* 11, *Madras Act III of* 1905.—For section 11 of the principal Act, the following section shall be substituted, namely :—

"11. *Limitation for appeal and revision.*—(1) No appeal shall be preferred under section 10 after the expiration of thirty days from the date on which the decision or order appealed against was received by the appellant.

(2) No application for revision shall be preferred under sub-section (1) of section 10-A after the expiration of thirty days from the date on which the decision or order sought to be revised was received by the applicant.

(3) In computing the period of thirty days referred to in sub-sections (1) and (2), the time required to obtain a copy of the decision or order appealed against or sought to be revised shall be excluded.

(4) Notwithstanding anything contained in sub-sections (1) and (2), the officer or authority concerned or the State Government may admit an appeal or application preferred after the period specified therein, if such officer or authority or Government is or are satisfied that the appellant or applicant had sufficient cause for not preferring the appeal or application within that period."

9. *Amendment of section* 12, *Madras Act III of* 1905.—In section 12 of the principal Act—

(i) in the marginal note, after the word "appeal", the words "or application for revision" shall be added;

(ii) after the words "Every petition of appeal", the words "or application for revision" and after the words "appealed against", the words "or sought to be revised" shall be inserted.

10. *Amendment of the Schedule, Madras Act III of* 1905.—In the Schedule to the principal Act—

(i) in the heading, the words "BY THE COLLECTOR" shall be omitted; and

(ii) for the brackets and words "(Signature of Collector)" at the end, the following shall be substituted, namely :—

"Signature of Collector. / Tahsildar. / Deputy Tahsildar. / Authorized Officer."

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11. *Certain orders passed not to be deemed invalid.*—Notwithstanding any judgment, decision or order of any court, anything done or any action taken or any decision or order passed by the State Government before the date of publication of this Act in the *Fort St. George Gagette*, shall not be deemed to be invalid merely by reason of the fact that the State Government had, before such publication, no power to revise any decision or order passed by the Board of Revenue.

12 *Extension of Madras Act III of 1905 to the added territories, repeal and savings.*—(1) The principal Act, as in force immediately before the commencement of this Act in the State of Madras except in the added territories and as amended by this Act (hereinafter in this section referred to as the Madras Act) is hereby extended to, and shall be in force in, the added territories.

(2) If immediately before the commencement of this Act, there is in force in the added territories any law corresponding to the Madras Act, such corresponding law shall stand repealed on such commencement.

(3) The repeal by sub-section (2) of any law corresponding to the Madras Act in force in the added territories immediately before the commencement of this Act, shall not affect—

(*a*) the previous operation of any such law or anything duly done or suffered thereunder; or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under any such law; or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against any such law; or

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(4) Subject to the provisions of sub-section (3), anything done or any action taken, including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation or form framed, certificate granted or registration effected under any such corresponding law shall be deemed to have been done or taken under the corresponding provision of the Madras Act and shall continue in force accordingly, unless and until superseded by anything done or any action taken under the Madras Act.

(5) For the purpose of facilitating the application of the Madras Act in the added territories, any court or other authority may construe the Madras Act with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the court or other authority.

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(6) Any reference in the Madras Act to a law which is not in force in the added territories shall, in relation to those territories, be construed as a reference to the corresponding law, if any, in force in those territories.

(7) Any reference in any law which continues to be in force in the added territories after the commencement of this Act to any law repealed by sub-section (2) shall, in relation to those territories, be construed as a reference to the Madras Act.

Explanation.—For the purpose of this section, the expression "added territories" shall mean the territories specified in the Second Schedule to the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959).

APPENDIX III

[*Vide* item II (2) on page 641 supra.]

L.A. Bill No. 24 of 1965.

(As passed by the Assembly.)

A Bill further to amend the Madras Plantations Agricultural Income-tax (Amendment) Act, 1958 and the Madras Agricultural Income-tax (Extension to Added Territory) Act, 1961.

BE it enacted by the Legislature of the State of Madras in the Sixteenth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madras Agricultural Income-tax (Amendment) Act, 1965.

2. *Amendment of section 34, Madras Act XXIX of 1958.*—In sub-section (1) of section 34 of the Madras Plantations Agricultural Income-tax (Amendment) Act, 1958 (Madras Act XXIX of 1958), for the figures "1965", the figures "1968" shall be substituted.

3. *Amendment of section 14, Madras Act 11 of 1961.*—In sub-section (1) of section 14 of the Madras Agricultural Income-tax (Extension to Added Territory) Act, 1961 (Madras Act 11 of 1961), for the figures "1965", the figures "1968" shall be substituted.

APPENDIX IV

[Vide item II (3) on page 643 supra.]

L.A. Bill No. 25 of 1965.

(As passed by the Assembly.)

A bill further to amend the Holdings (Stay of Execution Proceedings) Act, 1950, in its application to the Kanyakumari district.

BE it enacted by the Legislature of the State of Madras in the Sixteenth Year of the Republic of India as follows :—

1. *Short title and extent.*—(1) This Act may be called the Holdings (Stay of Execution Proceedings) (Madras Amendment) Act, 1965.

(2) It extends to the whole of the Kanyakumari district.